

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ALYSSA MARIE WEBSTER and
ELIJAH RAWSKI, a/k/a ALIJAH RAWSKI,
Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
December 19, 2006

Petitioner-Appellee,

v

ANDREA MICHELLE RAWSKI,

Respondent-Appellant.

No. 270233
Wayne Circuit Court
Family Division
LC No. 99-380551-NA

Before: Murphy, P.J., and Smolenski and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(g), (i), and (j). We affirm.

Respondent challenges the trial court's findings with regard to MCL 712A.19b(3)(g) and (j) only. In order to terminate respondent's parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 WN2d 293 (1991). The trial court's decision is reviewed for clear error. MCR 3.977(J); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000).

Respondent plainly failed to provide proper care for her two minor children, but she argues that there was a reasonable expectation that she would be able to provide proper care within a reasonable time. Respondent admitted that she had a substance abuse problem. Respondent completed an outpatient substance abuse program on March 25, 2005, and had follow-up care at the Eastwood Clinic. Respondent stopped going to Eastwood Clinic and started attending Harbor Light. However, in September 2005, respondent became depressed and stopped attending those sessions. Respondent relapsed in October, resulting in the filing of the petition at hand. At the time of the termination hearing, respondent had been in drug treatment for a month. In order to provide proper care for these children, respondent had to complete this program, which was expected to be May 13, 2006, and then continue with follow-up services. Respondent would also have to have a suitable home and employment. Clear and convincing

evidence existed showing that respondent had not overcome her substance abuse problem despite previous treatment, and that no reasonable likelihood existed that the situation would be rectified within a reasonable time. Moreover, respondent's continued substance abuse problem posed a risk of harm to the children. The facts of this case demonstrate that, because of respondent's relapse, she left her baby in a motel room with drug paraphernalia. Until respondent fully addressed this problem, there was a reasonable likelihood that the children would be harmed if returned to her care.

Furthermore, the children's best interests did not preclude termination of respondent's parental rights. These young children needed a stable and safe environment. However, respondent was not able to provide such an environment for them, and there was no reasonable expectation that she would be able to provide that environment within a reasonable time.

Affirmed.

/s/ William B. Murphy
/s/ Michael R. Smolenski
/s/ Kirsten Frank Kelly